CF0000062998

(2)

# IN THE HIGH COURT OF JUDICATURE AT JABALPUR [M.P.]

Criminal Appeal No. 1656 /2000 Division Bench (Criminal)

**(CRIMINAL APPEAL U/S 374(2) OF THE CODE OF CRIMINAL PROCEDURE)**

**Appellants** (in jail) : Reet lal Satnami S/o Shri Shivram Satnami,
Age about 45 years R/o Kotwa,
P. S. Sarsiwa District Raipur (M.P.)

**VERSUS**

**Respondent** : State of Madly Prudish
P.S. Sarsiwa District Raipur (M.P.)

6630
29/6/12
Filed on ... by Shri Lew. S. Bergeys Advocate

| CONVICTION | SENTENCE |
|---|---|
| U/S. 302 IPC | R.I. for Life Impreshmant and RS 1000/- fine in default of R.I. for 6 months. |

**( Being aggrieved by the Judgement dated 27 / 4 / 2000 in S. T. No. 345/99, State of M.P. Vs. Reet lal , passed by the learned Second Additional Session Judge Baloda Bazar District Raipur M.P. Shri J.S. Verma, convicting and sentencing as mentioned above, the appellant prefer this appeal on the following facts and grounds )**

XI-HC-78

(40)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** Cr.A.:.1656.... **सन्** 2000

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

DIVISION BENCH :
HON'BLE SHRI L.C.BHADOO&
HON'BLE SHRI DHIRENDRA MISHRA, JJ.

26.02.2007

Ms. Nirupma Bajpai, learned counsel for the appellant.
Mr. M.P.S. Bhatia, learned Panel Lawyer for the State.

Oral judgment dictated on dais.

Per L.C. Bhadoo, J

This appeal is directed against the judgment of conviction and order of sentence dated 27.4.2000 passed by the II Additional Sessions Judge, Baloda Bazar, District Raipur in Sessions Trial No.343/1999 whereby the Additional Sessions Judge after holding the accused/appellant guilty, for commission of murder of his mother Sukwarabai, under Sections 302 of the I.P.C, sentenced him to undergo imprisonment for life and to pay a fine of Rs. 1,000/-, in default of payment of fine to further undergo S.I. for six months.

2. Case of the prosecution, in brief, is that accused Reetlal himself lodged a report in the Police Station Sarseewa to the effect that on 30th April 1999 at about 9.30 he demanded food from his mother, on which his mother gave him half-baked vegetable, whereupon he asked her as to why she has given him half-baked vegetable, then Sukwarabai replied that

P.T.O.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** ८४८/१६५६.... **सन् 2000**

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

why he is harassing her only and not to her wife, which infuriated the accused. He attacked his mother with sickle (Parsul) and axe, as a result of which neck of Sukwarabai was cut. On the basis of information Merg intimation (Ex.P/19) was registered for commission of offence under Section 302 of the IPC and based on that, First Information Report (Ex.P/18) was registered. After registration of crime, the investigating officer left for the scene of occurrence and after giving notice (Ex.P/13-A) to the Panchas, prepared the inquest (Ex.P/14) of the body of deceased Sukwarabai. While in police custody, the accused gave memorandum Ex.P/1 regarding weapon of offence i.e. sickle and axe and in pursuance of that, the same were seized under Ex.P/2. Bloodstained and plain soil was taken into possession form the place of occurrence under Ex.P/3. Bloodstained clothes of the accused were seized under Ex.P/4. Clothes of the deceased were taken into possession under Ex.P/5. Site plan (Ex.P/7) was prepared. The body of deceased Sukwarabai was sent for postmortem examination to Primary Health Center, Bilaigarh under Ex.P/8-A where Dr. Narayan (P.W.11) conducted postmortem and prepared the postmortem report Ex.P/15. in which he opined that cause of death was cutting of blood vessels, trachea, nerves, esophagus vertebral

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** Cr.R...1656.... **सन् 2000**

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

column etc. and hemorrhage. After completion of the investigation charge sheet was filed in the Court of Judicial Magistrate First Class, Baloda Bazar who in turn committed the case to the Sessions Judge, Raipur from where learned Additional Sessions Judge, received the case on transfer for trial.

3. Prosecution in order to establish the charge against the accused examined 12 witnesses. Statement of the accused was recorded under Section 313 of the Cr.P.C. in which he denied the material appearing against him in the prosecution evidence and stated that he is innocent and has been falsely implicated in the crime.

4. Learned Additional Sessions Judge, after hearing counsel for the respective parties, convicted and sentenced the accused as aforementioned.

5. We have heard Ms. Nirupma Bajpai, learned counsel appearing on behalf of the accused/appellant and Mr. M.P.S. Bhatia, learned P.L. for the State.

6. Ms. Nirupma Bajpai, has not disputed the homicidal death of Sukwarabai. Moreover, from the evidence of PW-1 Urmila, daughter-in-

P.T.O.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक ..Cr.A./1656... सन् 2000**

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | law of the deceased and wife of the accused, who witnessed the crime has stated that the accused attacked the deceased with sickle and committed her murder, as also from the medical evidence of Dr. Narayan (PW-11) who has stated that death of Sukwarabai was homicidal in nature, it is established that death of Sukwarabai was homicidal in nature.<br>7. As far as involvement of the accused/appellant in crime in question is concerned, PW-1 Urmila, daughter-in-law of the deceased and wife of the accused, who witnessed the crime, has stated that on the fateful day at about 11.00 a.m. she was at her residence, her husband gave the vegetable to her mother-in-law to cook, her mother-in-law cooked the vegetable and gave it to the accused, on which the accused said that the vegetable is not cooked properly as the same is not tasty. Thereafter, he picked up the sickle and attacked her mother-in-law with that on the neck. She being frightened ran away. In the cross-examination of this witness the defence has not been able to elicit any circumstance which discredits the evidence of this witness. P.W. 2 Ganesh Ram has stated that the accused gave memorandum Ex. P/ 1 regarding the weapons of offence i.e. sickle and axe and in pursuance thereof, the same were seized under Ex.P/2 which bears his signature. Dr. Narayan (P.W. 11) has stated that | |

(44)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक ..Cr.A.1657.. सन् 2000**

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

on 30th April 1999 he conducted postmortem on the body of deceased Sukwarabai and found that trachea was cut, large vessels of the neck were cut, the neck was also cut, the bones of neck were also broken and cause of death was injuries to vital parts of the neck and due to hemorrhage, asphyxia and shock. He has further stated that it was possible to cause the injuries found on the neck with sickle and axe. Therefore, the evidence of PW-1 Urmila is corroborated by the medical evidence of Dr. Narayan (PW-11). Thus, in view of above evidence involvement of the accused/appellant in crime in question is established. Looking to the manner in which the accused attacked his mother with a deadly weapon on her neck with such a force that resulted in her instantaneous death due to cutting of trachea, large vessels and vital parts of the neck, we are of the considered opinion that conviction of the accused is based on clear, cogent and legal evidence and we do not find any illegality or infirmity in the judgment of the trial Court.

8. In the result, the appeal being devoid of merits is liable to be dismissed and is hereby dismissed.

**Sd/-**
**L.C.BHADOO**
**Judge**

**Sd/-**
**DHIRENDRA MISHRA**
**Judge**

P.T.O.